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## F A X C O V E R S H E E T

DATE: September 11, 1995 TIME: 12:37 PM  
TO: Mr. Jerry Hedrick PHONE: 378-3805 ext. 274  
Oregon Division of State Lands FAX: 378-4844  
FROM: Sebastian Degens PHONE: 731-7214  
Por of Portland FAX: 731-7250  
RE: RF-9836 Findings Of Fact- Requested Clarifications  
CC: Rollie Montagne, Dana Siegfried

Number of pages including cover sheet: 7 Pages

### Message

Attached per your request is a copy of the revised Findings of Fact. I have made all the changes we discussed on the phone today to clarify the issues raised by you and Ken Bierley.

I am not resubmitting the attachment (Alternatives Analysis) which remains unchanged. But please call if you need a clean copy and I can get one down to you.

A hard copy of this will be mailed today.



## FINDING OF FACTS

Oregon Division of State Lands Number:	RF-9836
Applicant:	Port of Portland
Project:	Terminal 5
Date:	July 24, 1994

The following responses correspond to the numbered questions on the attached checklist.

## CONSIDERATIONS

1. The T-5 site has been zoned and developed to support river-related and river-related industrial uses. The proposed dry bulk export facility is a river-dependent use, as defined in the LWRMP (1992). Beneficial uses of the Willamette River will not be affected by the project. Beneficial uses associated with groundwater, such as public and private water supplies will not be affected by the project. In addition, beneficial uses typically associated with lakes, such as water supply, fish, wildlife, boating, and navigation, are not associated with the lagoon due to the extremely high pH conditions and the close proximity to an industrial site.

The Port has obtained a Willamette River Greenway permit from the City of Portland and will protect the riparian zone along the river. Streambank protection is not an issue since the streambank along the Willamette River will not be affected by the project.

2. The environmental consequences of the project are loss of 9.4 acres of wetland under DSL jurisdiction. Most of the small emergent and shrub/scrub wetlands were rated low for wetland functions and values. 2.2 acres of the emergent and shrub/scrub wetlands were created on the graded surface when the terminal was prepared for a coal facility in the mid-1980s. The loss will be mitigated by restoring 10.7 acres of wetland and enhancing 0.98 acres of existing wetland on Port property south of T-5. The restored wetlands will provide considerably greater wetland functions and values compared to the majority of the area being filled. The forested wetland and adjacent shrub/scrub wetland (4.3 acres) had the highest functional value ratings. The Habitat Evaluation Procedure

(HEP) report showed a net gain of 28.6 AAHV at the mitigation site over the T-5 project site. (Note: Economics will be added.)

3. The project will not affect submerged and/or submersible lands. There are no perennial waterways on the site except the lagoon. The Willamette River runs adjacent to the site. The site elevation at the top of bank is more than 6 feet above the 100-year floodplain elevation (27 feet) for the Willamette River. The majority of the site is 6 to 8 feet above the 100-year floodplain elevation for the Willamette River.

There are several nonjurisdictional seasonal ditches that drain the settling pond. These ditches will remain.

4. The project will not affect hydraulic characteristics of the Willamette River. The effect on hydraulic characteristics of surrounding areas of filling the 4.95-acre lagoon and the forested wetland south of the rail line is unknown. The existing pond and wetlands are expressions of seasonally fluctuating water table elevation; filling of these low spots should have no effect on regional groundwater.
5. Wetlands, including the 4.95-acre lagoon, are the only special aquatic sites at T-5. The impacted wetlands consist of a total 9.4 acres of emergent, shrub/scrub, forested, and open water wetlands. The lagoon has chronic water quality problems (high pH) and consequently does not provide significant fish and/or wildlife habitat.
6. The project will not affect water supplies, access to the Willamette River, public recreation, or aesthetics. There is currently no public access to the Willamette River through the site. The site is visually shielded from the river by a band of tall cottonwoods in the riparian area between the shoreline and upland areas. This riparian area will remain intact. A 450 foot section of the Willamette Greenway on the downstream portion of the site will be revegetated with native plantings in accordance with the Willamette Greenway permit issued by the City of Portland.
7. The emergent, shrub/scrub, and forested wetlands on the site do not support fish populations due to seasonal nature of the hydrology, but may support seasonal

populations of amphibians. The lagoon does not support fish. Only surface dwelling invertebrates such as water striders, were observed along the margins of the lagoon. No benthic invertebrates have been observed in the lagoon. Waterfowl occasionally land in the lagoon, but tend to stay briefly due to the lack of food.

Surface water runoff from the site will be directed to the existing settling pond prior to discharge to the Willamette River through the existing ditch system and outfall.

8. See attached alternative analysis.
9. See attached alternative analysis.
10. See attached alternative analysis.
11. See attached alternative analysis.
12. The functions and values of the wetlands to be filled are generally low with the exception of the forested wetland near the southern end of the site. Development of the site would not interfere with the public health and safety. Dust control and storm water treatment facilities will be constructed to assure public health and safety.
13. The T-5 site is being developed for its intended industrial use as stated in the Port of Portland's 1991 Marine Terminals Master Plan and applicable local and state plans. The 1991 MTMP was determined to be compatible with the LWRMP with respect to development at Terminal 5 (LWRMP, Part H). The site is zoned for Heavy Industrial uses under City of Portland zoning ordinances and the City's Comprehensive Plan. The majority of the site is subject to the City of Portland's Willamette Greenway Overlay zone. The site has a "river-industrial" classification, requiring that the site be reserved for river-dependent or river-related industrial uses.
14. The proposed fill does not provide streambank protection. No construction will occur along the Willamette River Greenway.

- 15. Does not apply.
- 16. Does not apply.
- 17. Does not apply.
- 18. Does not apply.
- 19. Does not apply.
- 20. Does not apply.

#### DETERMINATIONS

- 21. The double rail loop is a major component of the T-5 project. Engineering considerations regarding maximum curvature of the track have eliminated the opportunity to completely avoid impacts to the highest value wetlands on the site.

Overall, the project provides an excellent opportunity to utilize a site for its intended use and utilize structures and facilities already in place. An example would be the settling pond and connecting ditches which were constructed to serve a similar industrial facility abandoned in 1981. These facilities will be used to detain and discharge storm water from the site.

A compensatory mitigation plan has been developed to compensate for unavoidable impacts on the site. The functions and values being restored on the mitigation site will exceed the fill areas in terms of both functions and values and overall acreage. This effort represents an effort to conserve and protect water resources of the state. (See attached HEP report.)

- 22. The T-5 project is consistent with applicable statewide planning Goals 15 (Willamette River Greenway) and 9 (economic development). With regard to Goal 5 (open spaces,

scenic and historic areas, and natural resources), the site has been inventoried in terms of wetlands and fish and wildlife resources.

The T-5 site is being developed for its intended industrial use as stated in the Port of Portland's 1991 Marine Terminals Master Plan and applicable local and state plans. The 1991 MTMP was determined to be compatible with the LWRMP with respect to development at Terminal 5 (LWRMP, Part H). The existing waterside improvements meet the Waterway Management Area standards identified in the LWRMP.

The site is zoned for Heavy Industrial uses under City of Portland zoning ordinances and the City's Comprehensive Plan. The majority of the site is subject to the City of Portland's Willamette Greenway Overlay zone. The site has a "river-industrial" classification, requiring that the site be reserved for river-dependent or river-related industrial uses. Greenway permits for the proposed development and the proposed mitigation site have already been issued by the City of Portland.

A City of Portland Greenway permit was issued for the coal facility in 1981. Site improvements were held back from the top of bank to preserve the existing riparian edge. The riparian area will be maintained in its current condition, excepting 450 lineal feet of frontage on the downstream portion of the site which will be enhanced with native plantings per the T-5 bulk facility Greenway permit issued earlier this year.

23. An NPDES waste discharge permit was issued for the site in 1991 by DEQ as noted in permit applications.
24. There will be no significant degradation of the waters of the state as a result of this development. All wash water will be collected, treated, and discharged into the City of Portland's sanitary sewer system. Storm water will be collected, passed through an existing settling pond, and treated if necessary, prior to discharge into the river.
25. The project meets historical and archeological site preservation guidelines. The T-5 development site is a previously filled area. The mitigation site will only be excavated to the original ground level.

26. There are no practicable alternatives to the proposed fill because of the proposed bulk facility's rail requirements. These considerations are further discussed in the Alternatives Analysis.
27. No threatened or endangered plant species were encountered during wetland surveys of the site in 1990 and 1994-5. The site has been significantly impacted by historical development as a coal export facility and by the adjacent Oregon Steel Mills facility.
28. No impacts to the state's water resources are anticipated, beyond the wetland impacts as described.
29. The practical steps taken to minimize adverse impacts of the fill have been to maintain the maximum setback from the river's edge and to reduce the on-site fill to those wetlands necessary to meet the rail bed alignment requirements, for construction of other site structures, and stormwater management. The willow wetlands located outside of the proposed rail loop will be maintained. (See HEP report.)
30. The project will not affect navigation or public recreation, including fishing, in the Willamette River.
31. Does not apply.
32. Does not apply.

Attachment